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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,248	04/10/2006	Jonas Hermansson	PS03 0158US2	6562
7590 Brian E. Ledell Harrity Snyder LLP 11350 Random Hills Road Suite 600 Fairfax, VA 22030			EXAMINER HSIEH, PING Y	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 01/06/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,248	Applicant(s) HERMANSSON, JONAS	
	Examiner PING Y. HSIEH	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/09 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (U.S. PG-PUB NO. 2006/0250496) in view of Mergler (U.S. PG-PUB NO. 2003/0054864) and further in view of Hymel (U.S. PG-PUB NO. 2005/0026600).

-Regarding claims 1 and 16, Shin et al. disclose a method of using multimedia messaging service (MMS) messages for notification of events in a portable communication device **(as disclosed in paragraphs 2-3)**, the method comprising: receiving, via a network and by a message handling unit of the portable communication device, at least one MMS message **(data transceiver 100 downloads VOD contents through antenna (ANT) as disclosed in paragraphs 5 and 25)**, including at least two different types of media files and associated synchronization information **(VOD contents and IOD field as disclosed in fig. 2 and paragraphs 27-28)**; providing, by the message handling unit, the user with an option to set the at least one MMS message for use as a notification of a particular event related to the portable communication device **(controller provides a selection window and a setup window as disclosed in paragraph 34, 35 and 37)**; receiving, by the message handling unit, a user selection to set the at least one MMS message for use as the notification of the particular event **(as disclosed in paragraph 34, 35 and 37)**; storing, in a notification setting storage unit of the portable communication device, a setting identifying the at least one MMS message for use as the notification based on

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the user selection **(as disclosed in paragraph 27)**; storing, after the storing the setting, the at least one MMS message in an MMS storage unit of the portable communication device **(memory space 120 as disclosed in fig. 1 and paragraph 26)**; contacting, by the call handling unit, the message handling unit to render the at least one MMS message as the notification **(as disclosed in paragraph 37)**; retrieving, by the message handling unit, the at least one MMS message from the MMS storage unit based on the contacting by the call handling unit **(as disclosed in paragraphs 26-28 and 55)**; and synchronously presenting, via one or more presentation units of the portable communication device, the at least two different types of media files of the retrieved at least one MMS message, based on the associated synchronization information **(as disclosed in paragraphs 26-28, 32-34 and 55)**.

However, Shin et al. fail to specifically disclose detecting, by a call handling unit of the portable communication device, an occurrence of the particular event; and determining, by the call handling unit, that the setting in the notification storage unit corresponds to the detected particular event;

Mergler discloses microprocessor 18 of the telephone 10 detecting an incoming call (step 30) and determining for a matching entry (step 34) as shown in fig. 3 and further disclosed in paragraph 28.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the controller of Shin et al. to include the features

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of the microprocessor as disclosed by Mergler. One is motivated as such in order to provide specialized wireless telecommunication service to users.

However, the combination of Shin et al. and Mergler fails to specifically disclose notifying, by the message handling unit, a user of the portable communication device of the receipt of the at least one message.

Hymel discloses notifying, by the message handling unit, a user of the portable communication device of the receipt of the at least one message **(as disclosed in paragraph 20 and 21).**

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the combination of Shin et al. and Mergler to include the features as disclosed by Hymel. One is motivated as such in order to provide notification to the user.

-Regarding claims 2 and 9, the combination further discloses the particular event is an event of receiving a phone call **(Mergler, a call from “Mum” as disclosed in paragraph 27; Shin et al., paragraph 55).**

-Regarding claims 3 and 10, the combination further discloses one of the at least two different types of media files includes sound file to be presented via a speaker of the portable communication device **(Shin et al., paragraph 37).**

-Regarding claims 4 and 11, the combination further discloses another one of the at least two different types of media files includes an image file to be presented via a display of the portable communication device **(Shin et al., paragraphs 27 and 55).**

-Regarding claims 5 and 12, the combination further discloses another one of the at least two different types of media files includes an text file to be presented via a display of the portable communication device **(although the combination does not specifically disclose the multimedia message includes an text file, the examiner takes official notice that it was well known in the art and would have been obvious to one of ordinary skills in the art at the time of invention to have an text file in a multimedia message).**

-Regarding claims 6 and 13, the combination further discloses storing the setting identifying the at least one MMS message comprises setting the at least one MMS message as the notification for all events of a certain type, where the particular event is of the certain type **(Mergler, a call from “Family” as disclosed in paragraph 25; Shin et al., paragraphs 2-3).**

-Regarding claims 7 and 14, the combination further discloses the storing the setting identifying the at least one MMS message comprises setting the at least one MMS message as the notification for select events of a certain type, where the particular event is of the certain type **(Mergler, a call from “Mum” as disclosed in paragraph 27; Shin et al., paragraphs 2-3).**

-Regarding claim 8, Shin et al. disclose a portable communication device enabled to use multimedia messaging service (MMS) messages for notification of events occurring at the portable communication device **(as disclosed in paragraphs 2-3)**, the portable communication device comprising: an event

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handling unit (**controller 110, fig. 1**); a message storage unit (**memory space 120, fig. 1**); one or more presentation units (**displayer 150 and SP, fig. 1**); a radio circuit (**data transceiver 100, fig. 1**); and a message handling unit to receive, from a network via the radio circuit (**data transceiver 100 downloads VOD contents through antenna (ANT) as disclosed in paragraphs 5 and 25**), at least one MMS message including at least two different types of media files and associated synchronization information (**VOD contents and IOD field as disclosed in fig. 2 and paragraphs 27-28**), provide the user with an option to set the at least one MMS message for use as a notification of a particular event related to the portable communication device (**controller provides a selection window and a setup window as disclosed in paragraph 34, 35 and 37**), receive, responsive to the option provided to the user, a user selection to set the at least one MMS message for use as the notification of the particular event (**as disclosed in paragraph 34, 35 and 37**), store, in the notification storage unit and based on the user selection, a setting identifying the at least one MMS message for use as the notification of the particular event handled by the event handling unit (**as disclosed in paragraph 27**) and store, after the setting is stored, the at least one MMS message in the message storage unit (**memory space 120 as disclosed in fig. 1 and paragraph 26**), contact the message handling unit to render the at least one MMS message as the notification, direct the MMS message handling unit to retrieve the stored MMS message from the message storage unit (**as disclosed in paragraphs 26-28 and 55**), and direct

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the MMS message handling unit to direct the one or more presentation units to simultaneously present the at least two different types of media files of the retrieved at least one MMS message based on the associated synchronization **(as disclosed in paragraphs 26-28, 32-34 and 55)**. However, Shin et al. fail to specifically disclose the event handling unit is to detect an occurrence of the particular event; and determine that the setting in the notification storage unit corresponds to the detected particular event.

Mergler discloses microprocessor 18 of the telephone 10 detecting an incoming call (step 30) and determining for a matching entry (step 34) as shown in fig. 3 and further disclosed in paragraph 28.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the controller of Shin et al. to include the features of the microprocessor as disclosed by Mergler. One is motivated as such in order to provide specialized wireless telecommunication service to users.

However, the combination of Shin et al. and Mergler fails to specifically disclose a notification setting storage unit; and notify a user of the portable communication device of the receipt of the at least one MMS message.

Hymel discloses a notification setting storage unit **(processor 115, fig. 1)**; and notify a user of the portable communication device of the receipt of the at least one message **(as disclosed in paragraph 20 and 21)**.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the combination of Shin et al. and Mergler to

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include the features as disclosed by Hymel. One is motivated as such in order to provide notification to the user.

-Regarding claim 15, the combination further discloses the portable communication device is a cellular phone **(Mergler, mobile telephone 10 as disclosed in paragraph 20)**.

-Regarding claim 17, Shin et al. disclose a system comprising:

means for receiving, via a network, at least one multimedia messaging service (MMS) message **(data transceiver 100 downloads VOD contents through antenna (ANT) as disclosed in paragraphs 5 and 25)**, including at least two different types of media files and associated synchronization information **(VOD contents and IOD field as disclosed in fig. 2 and paragraphs 27-28)**; means for providing the user an option to set the received at least one MMS message as a notification of a particular event related to the portable communication device **(as disclosed in paragraphs 30-34)**; means for receiving, from the user, a selection responsive to the option provided to the user, to set the at least one MMS message for use as the notification of the particular event **(as disclosed in paragraphs 30-34)**; means for storing, based on the selection, a setting identifying the MMS message as the notification of the particular event **(as disclosed in paragraphs 26-28 and 55)**; means for storing, only after the storing the setting, the at least one MMS message, where the means for storing the at least one MMS message differs from the means for storing the setting **(memory space 120 as disclosed in fig. 1 and paragraph**

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26); means for retrieving the stored at least one MMS message based on the detection of an occurrence of the particular event **(as disclosed in paragraphs 26-28 and 55)** and means for simultaneously presenting the at least two different types of media files of the retrieved MMS media message based on the associated synchronization information **(as disclosed in paragraphs 26-28, 32-34 and 55)**. However, Shin et al. fail to disclose means for detecting an occurrence of the particular event corresponding to the notification.

Mergler discloses microprocessor 18 of the telephone 10 detecting an incoming call (step 30) as shown in fig. 3 and further disclosed in paragraph 28.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the controller of Shin et al. to include the features of the microprocessor as disclosed by Mergler. One is motivated as such in order to provide specialized wireless telecommunication service to users.

However, the combination of Shin et al. and Mergler fails to specifically disclose means for notifying a user of the portable communication device of the receipt of the at least one message.

Hymel discloses means for notifying a user of the portable communication device of the receipt of the at least one message **(as disclosed in paragraph 20 and 21)**.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the combination of Shin et al. and Mergler to

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include the features as disclosed by Hymel. One is motivated as such in order to provide notification to the user.

Response to Arguments

4. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PING Y. HSIEH whose telephone number is (571)270-3011. The examiner can normally be reached on Monday~Thursday 8am ~ 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. Y. H./
Examiner, Art Unit 2618

/Lana N. Le/
Primary Examiner, Art Unit 2614